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EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 12th August, 1969:—

BILL No. XX OF 1969.

A Bill further to amend the Banaras Hindu University Act, 1915.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Banaras Hindu University (Amendment) Act, 1969.

Short
title
and com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

16 of 1915.

2. In section 7B of the Banaras Hindu University Act, 1915 (hereinafter referred to as the principal Act),—

Amend-
ment
of section
7B.

(i) for sub-sections (1) and (2), the following sub-section shall be substituted, namely:—

“(1) The Vice-Chancellor shall be appointed by the Visitor on the recommendation of a Selection Committee constituted by the Visitor for the purpose:

Provided that, if the Visitor does not approve of such recommendation, he may call for one or more fresh recommendations.”;

(ii) in sub-section (4), for the words “five years”, the words “three years” and for the words “ineligible for re-appointment to that office”, the words “eligible for re-appointment to that office for a second term” shall be substituted.

Amend-
ment.
of section
7C.

3. In section 7C of the principal Act,—

(i) in sub-section (2), the words “, the Standing Committee of the Academic Council” shall be omitted;

(ii) in sub-section (4), for the words “, the Academic Council and the Standing Committee of the Academic Council”, the words “and the Academic Council” shall be substituted.

Amendment
of section
8A.

4. In section 8A of the principal Act, clause (d) shall be omitted.

Substitution
of new sec-
tion for
sections 9
and 9A.

5. For sections 9 and 9A of the principal Act, the following section shall be substituted, namely:—

The Court.

“9. The Court shall be an advisory body and its functions shall be—

(a) to advise the Visitor in respect of any matter which may be referred to it for advice;

(b) to advise any authority of the University in respect of any matter which may be referred to the Court by such authority; and

(c) to perform such other duties and exercise such other powers as may be assigned to it by the Visitor or under this Act.”.

Amend-
ment of
section
10.

6. In section 10 of the principal Act, in sub-section (1), for the word “Court”, the word “Visitor” shall be substituted.

Omission of
section 12.

7. Section 12 of the principal Act shall be omitted.

Amend-
ment of
section
13.

8. In section 13 of the principal Act, in sub-section (2), the words “to the Court and” shall be omitted.

Amend-
ment of
section
17.

9. In section 17 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (b), for the words “the election and appointment”, the words “the appointment by election, nomination or otherwise” shall be substituted;

(b) in clause (n), the words “the Standing Committee of the Academic Council,” shall be omitted;

(ii) sub-section (7) shall be re-numbered as sub-section (4) and for sub-sections (3), (4), (5) and (6), the following sub-section shall be substituted, namely:—

“(3) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes.”.

10. In section 18 of the principal Act, for sub-sections (5), (6), (7) and (8), the following sub-sections shall be substituted, namely:—

Amend-
ment
of section
18.

“(5) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Visitor who may pass such order thereon as he thinks fit.

(6) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor who may disallow any such Ordinance or remit it to the Executive Council for further consideration.

(7) The Visitor may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order.”.

11. In section 19 of the principal Act, in the proviso to sub-section (3), for the word “Court”, the word “Visitor” shall be substituted.

Amend-
ment
of section
19.

12. Notwithstanding anything contained in the principal Act, the Statutes of the University shall be amended as follows:—

Amend-
ment
of Statutes.

(i) in Statute 3, for clause (3), the following clause shall be substituted, namely:—

“(3) The Rector shall hold office for only so long as the Vice-Chancellor on whose recommendation he was appointed holds office and he shall be eligible for re-appointment;

Provided that notwithstanding the expiry of the term of his office, the Rector shall continue in office until his successor is appointed and enters upon his office.”;

(ii) in Statute 4,—

(a) in clause (3), the words “the Standing Committee of the Academic Council,” shall be omitted;

(b) in clause (4),—

(1) in sub-clause (b), the words “the Finance Committee, the Standing Committee of the Academic Council,” shall be omitted;

(2) in sub-clause (c), the words “the Standing Committee of the Academic Council, the Finance Committee,” shall be omitted;

(3) in sub-clause (d), for the words “, the Academic Council and the Standing Committee of the Academic Council”, the words “and the Academic Council” shall be substituted;

(iii) for Statute 10, the following Statute shall be substituted, namely:—

“10. (1) The Court shall consist of the following members, The
namely:— Court.

(a) the Chancellor, *ex officio*,

(b) the members of the Executive Council, *ex officio*,

(c) three persons, being Heads of Departments of Studies or Principals of Colleges of the University, nominated by the Visitor,

(d) two persons, being Professors from Departments of Studies or Colleges of the University, nominated by the Visitor,

(e) two persons from among teachers of the University, other than Professors, nominated by the Visitor,

(f) three representatives of Parliament, two to be nominated by the Speaker of the Lok Sabha from among the members thereof and one to be nominated by the Chairman of the Rajya Sabha from among the members thereof, and

(g) thirty persons nominated by the Visitor from among persons who are men of standing in public life or have special knowledge or practical experience in education or have rendered eminent services in the cause of education.

(2) Seventeen members of the Court shall form the quorum.

(3) All members of the Court, other than *ex officio* members, shall hold office for a term of three years.”;

(iv) for Statute 14, the following Statute shall be substituted, namely:—

The
Executive
Council.

“14. (1) The Executive Council shall consist of the following members, namely:—

(a) the Vice-Chancellor, *ex officio*,

(b) eight persons nominated by the Visitor.

(2) Five members of the Executive Council shall form the quorum.

(3) The members of the Executive Council shall hold office for a term of three years.”;

(v) in Statute 15, in clause (x), the words “the Standing Committee of” shall be omitted;

(vi) in Statute 18,—

(a) in clause (i), the words “the Court or” shall be omitted;

(b) clause (xv) shall be re-numbered as clause (xxv) and after clause (xiv), the following clauses shall be inserted, namely:—

“(xv) to fix, subject to any conditions accepted by the Executive Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes and to award the same;

(xvi) to conduct examinations in conformity with the Ordinances and to fix dates for holding them;

(xvii) to declare the results of the various University **examinations, or to appoint committees or officers to do so,** and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, certificates, titles and marks of honour;

(xviii) to award stipends, scholarships, medals, prizes and to make awards in accordance with the Ordinances and such other conditions as may be attached to the awards;

(xix) to make recommendations to the Executive Council in regard to the appointment of examiners, and if necessary, their removal and the fixation of their fees, emoluments and the travelling and other allowances and the appointment of Boards of Examiners and Moderators;

(xx) to appoint, whenever necessary, Inspectors or Boards of Inspectors for inspecting colleges and institutions applying for admission to the privileges of the University;

(xxi) to publish lists of prescribed or recommended textbooks and to publish syllabuses of the prescribed courses of study;

(xxii) to prepare such forms and registers as are, from time to time, prescribed by the Ordinances;

(xxiii) to appoint committees, for admission to the University;

(xxiv) to appoint, subject to the provisions of Statute 26, committees for such specific purposes as it may deem necessary; and";

(vii) Statutes 19 and 20 shall be omitted;

(viii) for clauses (1) and (3) of Statute 21, the following clauses shall respectively be substituted, namely:—

"(1) The Finance Committee shall consist of the following members, namely:—

(i) the Vice-Chancellor;

(ii) three persons nominated by the Visitor;

(iii) two persons, who are not employees of the University, appointed by the Executive Council;

(iv) two Deans of Faculties by rotation according to seniority for a term of two years.";

"(3) Four members of the Finance Committee shall form the quorum.";

(ix) in Statute 36,—

(a) in clause (1), in condition (iii), the words “the Standing Committee of” shall be omitted;

(b) in clause (3), the words “the Standing Committee of”, wherever they occur, shall be omitted.

Transi-
tional
provisions. 13. (1) Every person holding office as a member of the Court or the Executive Council or the Finance Committee, as the case may be, immediately before the commencement of this Act shall, on and from such commencement, cease to hold office as such:

Provided that where any such person held, immediately before such date, any other office in the University, nothing contained in this subsection shall be construed to affect his continuance in such other office.

(2) Until the Court or the Executive Council or the Finance Committee is constituted in accordance with the provisions of the principal Act as amended by this Act or the Statutes as modified by this Act, the Visitor may, by general or special order, direct any officer of the University to exercise the powers and perform the duties conferred or imposed by or under the principal Act as so amended or the Statutes as so modified on the Court or the Executive Council or the Finance Committee, as the case may be.

(3) Notwithstanding anything contained in the principal Act or the Statutes immediately before the commencement of this Act, where this Act modifies the method of appointment to an office or the term of office of the holder thereof, the holder of such office shall, unless he resigns his office and his resignation is accepted under Statute 30, continue to exercise the functions of that office until his successor is appointed in accordance with the provisions of the principal Act as amended by this Act or the Statutes as modified by this Act and enters upon his office; and for the removal of doubts, it is hereby declared that a person holding any such office as aforesaid immediately before the commencement of this Act shall be eligible for re-appointment to that office.

STATEMENT OF OBJECTS AND REASONS

In December, 1968, the President in his capacity as the Visitor of the Banaras Hindu University appointed a Committee under the Chairmanship of Dr. P. B. Gajendragadkar to inquire into the state of unrest and agitation in the University and to make recommendation for remedying the situation. The Committee which submitted its report to the Visitor in the second week of July, 1969 has made two sets of recommendations. The first set is directed to help to introduce in the University campus an atmosphere of normalcy so as to enable the University to pursue its legitimate functions without disturbance and disruption, violence or intimidation. The other set of recommendations are of a long range character and envisage a comprehensive reform of the structure and functioning of the University with special reference to the maintenance of its all-India character.

2. For immediate implementation, the recommendation made by the Committee is that the Act under which the University is at present administered should be amended in certain respects. The present bodies including the Standing Committee of the Academic Council responsible for the administration of the University should be dissolved and appropriate steps taken to provide for a nominated Executive Council and a nominated Court and a new Vice-Chancellor.

3. The principal object of the Bill is to implement the first set of recommendations of the Inquiry Committee so that University's return to smooth functioning and pursuit of basic academic purposes may be facilitated.

4. The main features of the Bill are:—

(a) the reconstitution of the Court of the University as an advisory body and reduction in the number of membership;

(b) the reconstitution of the Executive Council and the Finance Committee;

(c) the abolition of the Standing Committee of the Academic Council;

(d) change in the method of selection of the Vice-Chancellor and reduction in his term of office; and

(e) change in the term of office of the Rector.

NEW DELHI;
The 1st August, 1969.

V. K. R. V. RAO.

B. N. BANERJEE,
Secretary.

